

ORDINANCE NO. 2008-02

AN ORDINANCE OF THE CITY OF SEDONA, ARIZONA, AMENDING THE CITY CODE CHAPTER 11, SECTION 11-3-18 (OFF-ROAD VEHICLES) BY RESTRICTING OFF-ROAD VEHICLE USE ON POSTED TRAILS AND RIVER WALKS; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR REPEAL OF ANY ORDINANCE OR PARTS OF ORDINANCES OR CODE PROVISIONS IN CONFLICT HEREWITH; AND PROVIDING FOR A PENALTY CLAUSE.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEDONA, ARIZONA AS FOLLOWS:

Section 1. Amendment to Section 11-3-18

Section 11-3-18 of the Sedona City Code is hereby amended to read as follows:

“It is prohibited for any person to drive, ride, or use a motorcycle, off-highway motor vehicle, motor vehicle, minibike, trail bike, dune buggy, motor scooter, jeep, or other form of transportation propelled by an internal combustion engine upon any public or private property that is not a driveway, private street way, public street way, public right-of-way, or street, as defined in §§ 7-15-4 and 17-16-3, or on rights-of-way determined by the City Engineer to be inappropriate for such travel, and visibly posted to prohibit such travel, including, but not limited to, public trails, river walks, etc.”

Section 2. Savings Clause

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance.

Section 3. Repeal

All other code provisions, ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict as of the effective date hereof.

Section 4. Penalty

Except as otherwise provided, any person found guilty of violating any provisions of the City Code, any amendment thereto, or any order or regulation made therein, including the failure to perform any act or duty so required, shall be guilty of a Class 1 misdemeanor, and, upon conviction, shall be punished by a fine not to exceed two thousand five hundred dollars (\$2,500.00), or by imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment. Probation may be imposed in accordance with Arizona Revised Statutes,

Title 13, Chapter 9. Each day that any violation continues shall be a separate offense punishable as above described or by civil sanction. In the alternative, an action may be commenced as a civil violation pursuant to Section 1401.

PASSED AND ADOPTED by the Mayor and City Council of the City of Sedona, Arizona, this 26th day of February 2008.

Pud Colquitt, MAYOR

ATTEST:

Cherry Lawson, City Clerk

APPROVED AS TO FORM:

City Attorney